

BILL NO. 6-5-12-1 (A)

SUMMARY - An ordinance to rename the Department of Development Services as the Department of Building by deleting Title 2, chapter 2.02; adopting a new chapter 2.02; amending chapter 22.02, section 22.02.035; amending chapter 30.04 in sections 30.04.040 and 30.04.050; amending chapter 30.08, section 30.08.030; amending chapter 30.16 in sections 30.16.070, 30.16.150 and 30.16.160; amending chapter 30.32, section 30.32.040; amending chapter 30.52, section 30.52.050; amending chapter 30.64, section 30.64.050; and other matters properly relating thereto.

ORDINANCE NO. 4036

AN ORDINANCE TO RENAME THE DEPARTMENT OF DEVELOPMENT SERVICES AS THE DEPARTMENT OF BUILDING BY DELETING TITLE 2, CHAPTER 2.02; ADOPTING A NEW CHAPTER 2.02; AMENDING CHAPTER 22.02, SECTION 22.02.035; AMENDING CHAPTER 30.04 IN SECTION 30.04.040 AND 30.04.050; AMENDING CHAPTER 30.08, SECTION 30.08.030; AMENDING CHAPTER 30.16 IN SECTIONS 30.16.070, 30.16.150, AND 30.16.160; AMENDING CHAPTER 30.32, SECTION 30.32.040; AMENDING CHAPTER 30.52, SECTION 30.52.050; AMENDING CHAPTER 30.64, SECTION 30.64.050; AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

Strikeout means deletions and underlining means additions.

SECTION 1. Title 2, Chapter 2.02 of the Clark County Code is deleted in its entirety.

SECTION 2. Title 2, Chapter 2.02 of the Clark County Code is adopted to read as follows:

2.02.010 Creation. A department, to be hereinafter known as the department of building, is created effective July 3, 2012. The department under the supervision of a director shall be responsible for administering and enforcing federal laws, state laws, and county ordinances

related to the construction of buildings.

2.02.020 Director – Appointment. The director of the department of building shall be appointed by the county manager with advice and consent of the board of county commissioners and serve at the pleasure of the county manager with consent of the board of county commissioners.

2.02.030 Director – Authority and Functions. (a) The director shall exercise administrative and policy making authority over the department of building in accordance with applicable provisions of this Code.

(b) The director shall be responsible for the development, maintenance, updating, processing, and enforcing of all applicable statutes, ordinances, and codes relating to the construction of buildings.

(c) The director or his designee shall assume the function of “building official” as that term is defined in Section 22.02.035 of this Code. The person assuming the function of “building official” must comply with the requirements for certification and continuing education established pursuant to NRS 278.577.

(d) Where this Chapter refers to the director of the department of building, it shall also include any person designated by authority of this Code to act in his or her place.

2.02.040 Functions of the Department. (a) The department of building, under the supervision of the director, shall administer and enforce state laws and county ordinances and codes relating to the construction, alteration and maintenance of buildings, as those terms are used in Chapter 22.02 of this Code.

(b) The department shall accomplish its functions through a review of permit applications and construction documents for proposed construction, issuance of permits, inspections of construction in progress, and issuance of certificates of use or occupancy, pursuant to the requirements of Chapter 22.02 of this Code.

SECTION 3. Title 22, Chapter 22.02, section 22.02.035 of the Clark County Code is amended to read as follows:

22.02.035 Definitions. For the purposes of this Chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Words used in the singular include the plural, and the plural, the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

ADDITION means an extension or increase in floor area or height of a building or structure.

ALTER or ALTERATION means any construction or renovation to an existing structure other than repair or addition.

AMUSEMENT AND TRANSPORTATION SYSTEM is any ride, device, building or structure which is used primarily for human entertainment and enjoyment, either moving or stationary. The final determination whether a ride, device, or structure shall be classified under this definition shall be made by the Building Official. For the purposes of this Chapter, slot machines, electronic gaming devices, pinball games, or electronic arcade games, and non-motorized playground equipment are not amusement and transportation systems.

AMUSEMENT SYSTEM OR TRANSPORTATION SYSTEM PERMIT means permits issued by the Building Official authorizing construction and installation of an ATS. At the Building Official's option, it may include in its scope any subsidiary permits for supporting or enclosing structures or buildings, associated structures, utility permits, and other building service equipment.

APPROVED, as to materials, types of construction, equipment and systems, refers to approval by the Building Official as the result of investigation and tests, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

APPROVED AGENCY is a Quality Assurance Agency that has been approved and listed by the Building Official pursuant to this Chapter.

APPROVED CONSTRUCTION DOCUMENTS are construction documents that have been reviewed and accepted for permit by the Building Official pursuant to this Chapter.

APPROVED DESIGNATED RESIDENTIAL INSPECTOR is a designated residential inspector who has been approved and listed by the Building Official pursuant to this Chapter.

APPROVED FABRICATOR/MANUFACTURER means a company that constructs or assembles standardized building components into assemblies in an approved manner based on submittal of specified documentation and successful periodic evaluation for conformance to standard operating procedures and tests such that the company is listed on the published Clark County Approved Fabricator/Manufacturer's List.

APPROVED PRODUCTS are products that are included on product listings from testing and listing agencies approved by the Building Official.

APPROVED SPECIAL INSPECTOR is a special inspector who has been approved and listed

by the Building Official pursuant to this Chapter.

AREA ACCEPTANCE REPORT is a report to the Building Official that states that all required activities for special inspection item(s) are complete and acceptable for a portion of the permitted work.

ATS means "Amusement and Transportation System" as defined in this Chapter.

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING CODE means the Building Code of Clark County (22.04).

BUILDING, EXISTING means a building erected prior to the adoption of the currently adopted building code of Clark County, or one for which a legal, unexpired building permit has been issued by the Building Official.

BUILDING OFFICIAL means the designated County official who is charged with the administration and enforcement of this Chapter and the technical guidelines. Within this Chapter, the term "Building Official" may mean such employees who are appointed and authorized by the Building Official pursuant to NRS 278.570(2) to assist in the performance of the duties of his position.

BUILDING PERMIT means an official document or certificate issued by the building official authorizing performance of a specified activity.

BUILDING SERVICE EQUIPMENT refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide potable water, sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.

CERTIFICATE OF OPERATION means a document issued by the Building Official on an annual basis certifying that an Amusement and Transportation System (ATS) has been inspected and found to be in compliance with the manufacturer's requirements for operation and maintenance, the approved Operations and Maintenance Manual(s), approved plans and any other requirements of this Chapter. A current certificate of operation is required in order to operate an ATS.

COMMENCE means any of the following: 1) the actual placing of construction materials in

their permanent position fastened in a permanent manner, 2) excavation for a permanent structure, 3) demolition or removal of an existing building or structure preparatory to rebuilding, 4) grading of the site.

CONSTRUCTION DOCUMENTS are plans, specifications, supporting calculations and other data prepared to describe the design, materials, physical characteristics, location, orientation, and scope of a proposed project necessary to obtain a permit.

DANGEROUS BUILDINGS CODE means the Abatement of Dangerous Buildings Code of Clark County (22.12).

DEPARTMENT means the Clark County Department of Building.

DEFERRED SUBMITTALS means those portions of the construction documents that are not submitted at the time of permit application and that are to be submitted to the Building Official within a specified time period. Deferral of any document must have prior approval of the Building Official. The responsible design professional shall list the deferred submittals on the construction documents at the time of permit application for review by the Building Official.

DESIGN PROFESSIONAL is an individual who is registered or licensed by the State of Nevada pursuant to NRS Chapters 623, 623A, or 625.

DESIGNATED RESIDENTIAL INSPECTOR is an individual who has specialized knowledge, training, experience and certification(s) for one or more of the construction systems subject to residential inspection.

DEVICE is a system or structure that may contain electrical, mechanical, and/or pyrotechnic effects that require specific safety features to protect the general public.

ELECTRICAL CODE means the Electrical Code of Clark County (25.04).

JURISDICTION, as used in this Chapter, is the unincorporated area of Clark County.

LIFE-SAFETY SYSTEMS means, without limitation, electrical, plumbing, heating, ventilating, air conditioning, emergency lighting, audio and visual signals, fire sprinklers, smoke detectors, fire walls, and means of egress required by law for the protection of human life and safety.

LISTED and **LISTING** are terms referring to equipment and materials which are shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that

the equipment complies with recognized safety standards.

MAJOR MODIFICATION of any Amusement and Transportation System (ATS) is any change in either the structural or operational characteristics of the ATS which will alter its performance from that specified in the manufacturer's design criteria including ride control software.

MECHANICAL BULL is an operator-controlled device, operated in such a manner that the intention is to cause the ejection of the rider.

MECHANICAL CODE means the Mechanical Code of Clark County (25.16).

NATIONALLY RECOGNIZED BODY is an organization that evaluates testing laboratories and inspection agencies as well as fabrication and manufacturing facilities that produce products and services in accordance with the technical codes. A listing or report is published which details the products and services evaluated and any conditions or limitations placed on their use. The listing or report is subject to acceptance by the Building Official.

OCCUPANCY means the purpose for which a building, or part thereof, is used or intended to be used. The term "occupancy" as used in this Chapter shall include the building, or part thereof, housing the intended use.

OCCUPANT means the person who resides in and/or has primary use of a building or a portion of a building.

OWNER means any person having a recorded legal or equitable interest in the property.

PATRON is a person who participates in an Amusement and Transportation System (ATS) whether paying or non-paying, including employees.

PERMIT means an official document or certificate issued by the Building Official authorizing performance of a specified activity.

PERMIT APPLICANT means the person to whom a permit is issued; also referenced as Permit Holder.

PERMITTED WORK means the work for which a permit is issued.

PERSON means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental

agency, or political subdivision of a government.

PLUMBING CODE means the Plumbing Code of Clark County (25.08).

PRIME AGENCY is an approved agency that maintains employment of a qualified engineering manager.

PRINCIPAL DESIGN PROFESSIONAL is an architect registered pursuant to NRS Chapter 623 or a professional engineer licensed pursuant to NRS Chapter 625, who is responsible for the coordination of each aspect of the construction documents that are submitted to the Building Official for permit.

PROHIBITED USE NOTICE means a written document issued by the Building Official indicating non-compliance with the requirements of certification, installation, inspection, operation or any other portions of the Amusement and Transportation System (ATS) Code and further indicating that the ATS may not be operated for other than repairs, inspection, or testing.

QUALITY ASSURANCE AGENCY (QAA) means an organization that is in the business of providing inspection, testing and reporting services for the types of construction that are designated in the technical codes.

QUALITY ASSURANCE AGENCY SPECIAL INSPECTION AGREEMENT is an agreement between the owner and Building Official, issued with the permit that lists the types of construction required to be verified through a special inspection process. Additionally, the owner designates as part of the special inspection agreement a prime agency to provide special inspection and document results for the Building Official.

QUALITY ASSURANCE AGENCY SINGLE-FAMILY RESIDENCE INSPECTION AGREEMENT is an agreement between the owner and Building Official that is issued with the permit designating the approved quality assurance agency which shall provide the specified inspections and documentation for the Building Official.

QUALITY SYSTEM AUDITOR is a person with the requisite knowledge, skill and experience to evaluate the quality assurance and quality control operations of fabrication and manufacturing facilities.

RECOGNIZED AGENCY is a Quality Assurance Agency that maintains an accreditation through a nationally recognized body.

RECOGNIZED FABRICATOR/MANUFACTURER is a facility that is listed or maintains an

evaluation report through a nationally recognized body. The evaluation report or listing is used to determine the acceptability of the quality control and quality assurance operations of the facility.

REPAIR means the reconstruction or renewal of any part of an existing building, structure, or building service equipment for the purpose of its maintenance.

RESIDENTIAL CODE means the Residential Code of Clark County (22.05).

RESIDENTIAL INSPECTION PERSONNEL are individuals employed by an approved Residential Inspection Agency and listed by Clark County as a residential inspector, a Quality Manager, or an Engineering Manager.

REVIEWED AND ACCEPTED when stamped on the construction documents by the Building Official means the documents have been reviewed for conformance to applicable codes and regulations and are accepted for permit.

REVISION means changes made to approved construction documents after they have been reviewed and accepted by the Building Official. Revisions must be submitted to the Building Official for approval as an amendment to the approved construction documents. Revisions which increase the original scope of work and original building valuation must be submitted as a new permit application.

RIDE means an Amusement Ride or Transportation Ride as defined in this Chapter.

SHALL, as used in this Chapter, is mandatory.

SPECIAL INSPECTION is a process of inspection, testing, and reporting by approved special inspectors to assure the Building Official that the construction of critical structural elements, materials, and life safety systems is being performed in accordance with the approved construction documents, this Chapter and the technical codes.

SPECIAL INSPECTION CATEGORY is a collection of inspection activities specified in the International Building Code (ICC) Subsections 1704.2 through 1704.14.

SPECIAL INSPECTION PERSONNEL are individuals employed by an approved Quality Assurance Agency and listed by Clark County as a special inspector, a technician, a laboratory supervisor, a laboratory director, a field supervisor, a Quality Manager, or an Engineering Manager.

SPECIAL INSPECTOR is an individual who has specialized knowledge, training, experience and certification(s) for one or more of the types of construction subject to special inspection.

STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBCONTRACTED AGENCY is an approved agency providing special inspection services through a prime agency.

TECHNICAL CODES are those codes adopted in Titles 22, 24, and 25 of the Clark County Code. Technical codes currently governed by this Chapter include the Building Code of Clark County (22.04), the Residential Code of Clark County (22.05), the Safety Standards for Existing Buildings (22.10), the Abatement of Dangerous Building Code of Clark County (22.12), the Amusement and Transportation Systems Code (22.16), the Swimming Pool, Spa, and Water Feature Code (22.20), Noise Attenuation Construction Standards (22.22), Water, Sewage and Other Utilities (Title 24), the Electrical Code of Clark County (25.04), the Plumbing Code of Clark County (25.08), the Building Water Conservation Code of Clark County (25.10), the Solar Energy Code (25.12), the Mechanical Code of Clark County (25.16), and the Energy Conservation Code of Clark County (25.20).

TECHNICAL GUIDELINES are the rules and regulations promulgated by the Building Official to carry out the purpose and provisions of this Chapter.

TRANSPORTATION SYSTEM means any moving apparatus which is primarily intended for transportation but may include entertainment and enjoyment while moving along, around, or over a fixed or restricted course. This includes people movers and monorails, as defined in Clark County Code, Chapter 5.04, for private property, linking of properties, or when included in a franchise agreement. The final determination as to whether an apparatus shall be classified under this definition shall be made by the Building Official. It shall not include automobiles, trucks, buses, surface trains or other transportation means when existing regulation by state or federal authorities would be in conflict with this Chapter.

VALUATION or **VALUE** for the purposes of this Chapter, shall include total value of work including materials and labor, grading, site development, electrical, gas, mechanical, plumbing, painting, finish work, roofing, fire protection, and any other permanent systems or equipment for which a permit is being issued. Applications for a building permit and its associated permanent systems and service equipment shall be accompanied by an estimated permit value. Final determination of permit valuation shall be set by the Building Official.

SECTION 4. Title 30, Chapter 30.04, sections 30.04.040 paragraph (4), 30.04.040 paragraph (9) and 30.04.040 paragraph (11) of the Clark County Code are amended to read as follows:

4. Responsibilities of the Director of Building. The responsibilities of the Director of Building shall be to oversee the Department of Building. The Department of Building is responsible to:

- A. Enforce the unified development code only during the construction of on-site buildings and structures.
- B. Administer and enforce the provisions of Titles 22, 24 and 25 of this Code.
- C. Interpret the requirements related to on-site accessible parking.

9. Responsibilities of the District Attorney. Provide legal advice to County Officials and represent Clark County in the prosecution of any criminal or civil action necessary to enforce the provisions of this Title, including an action for injunctive relief, ensure compliance with Nevada Open Meeting Law, and provide legal advice to Director of Building, Director of Public Works, the Director of Comprehensive Planning, Zoning Administrator, Board, and Commission.

11. Responsibilities of the Major Projects Team. Under the direction of the Director of the Department of Comprehensive Planning:

- A. Consult and cooperate with other governmental entities to formulate recommendations for all major project applications to be considered by the Commission or the Board.
- B. Conduct technical reviews of subdivision maps, permits and land use applications to ensure compliance with this Title.
- C. Review and approve technical studies, plans and cost estimates for improvements, including private streets.
- D. Approve amount of bonds or cash deposits related to construction and installation of required facilities and improvements.

SECTION 5. Title 30, Chapter 30.04, section 30.04.050 of the Clark County Code is amended to read as follows:

30.04.050 Designees. Whenever this Title refers to the Director of Building, Director of Comprehensive Planning, Zoning Administrator, Director of Public Works, Building Official, Code Enforcement Manager, County Surveyor, County Engineer, County Recorder, Director of Business License, Director of Air Quality and Environmental Management, Sheriff, and/or District Attorney, it shall also include any person designated by that authority to act in his or her place.

SECTION 6. Title 30, Chapter 30.08, section 30.08.030 "Definitions" of the Clark County Code is amended in the following terms to read as follows:

Building Official "Building Official" is the person designated by the Director of the Department of Building to perform functions as specified in Chapter 2.02 of the Clark County Code. The Building Official may also designate qualified staff to act in his place relative to the performance of these functions.

Building Code "Building Code" as used in this Chapter means the Building Administrative Code of Clark County, Chapter 22.02 of the Clark County Code, and the technical codes identified therein.

Director of Building "Director of Building" is the Director of the Clark County Department of Building.

Hazardous Materials or Waste Storage "Hazardous Materials or Waste Storage" means the keeping, retention or leaving of hazardous materials in quantities in excess of the maximum allowed quantities for the control area(s) defined in the International Building Code and the International Fire Code; in closed containers, tanks, cylinders or similar vessels or vessels supplying operation through closed connection but not the incidental storage of chemicals for personal use and/or in conjunction with other approved uses. Chemical and/or hazardous materials storage is limited by type and quantity per the Nevada Revised Statutes and/or the Nevada Administrative Code and by the Clark County Fire and International Building Codes. A hazardous classification is required per the Clark County Building Code. (See also "Hazardous Material or Waste", Hazardous Occupancy", "Outside Storage/Outside Display", and "Personal Use."

Hazardous Occupancy "Hazardous Occupancy" includes, among other things, the use of a building or structure, or portion thereof, that involves the manufacturing, processing, generation or storage of material that constitute a physical or health hazard in quantities in excess of those allowed in control area(s) complying adopted building and fire codes as determined by the Clark County Building Official. See also "Hazardous Material or Waste" and "Hazardous Materials Storage."

Mining "Mining" means the extraction and/or processing of metals, ores, or other materials. Mining and associated activities on unpatented Bureau of Land Management claims (BLM owned property) are not regulated by this Title. (See Chapter 6.12, Mining and Title 22, Buildings and Construction).

SECTION 7. Title 30, Chapter 30.16, section 30.16.070, Table 30.16-4, item "e" (4) of the Clark County Code is amended to read as follows:

e. Application Process

4. For high impact projects and resort hotel the applicant shall separately submit a traffic impact analysis to the Department of Public Works prior to the pre-submittal conference. After RISE report and other related document distribution to related agencies, a pre-submittal conference will be scheduled within 30 days of filing, to discuss the project as well as any potential infrastructure and services required to mitigate impacts of the project. Upon RISE report finalization, the Director of Comprehensive Planning will issue an acceptance letter and the applicant may submit a special use permit application, and follow the procedure below.

SECTION 8. Title 30, Chapter 30.16, section 30.16.110, Table 30.16-8, item "i" of the Clark County Code is amended to read as follows:

i. Approval Authority

Zoning Administrator in cooperation with the Director of Public Works and the Director of Building.

SECTION 9. Title 30, Chapter 30.16, section 30.16.150 of the Clark County Code is amended to read as follows:

30.16.150 Reconveyance of Public Property. Applications for the reconveyance of public property shall be processed by the originating department or agency through the Clark County Department of Administrative Services, working in conjunction with the Departments of Building and Comprehensive Planning to satisfy related NRS requirements concerning public notification and Planning Commission recommendations.

SECTION 10. Title 30, Chapter 30.16, section 30.16.160, Table 30.16-13, item "b" (2) of the Clark County Code is amended to read as follows:

b. Standards for Acceptance

2. An administrative street naming may be processed to change the name of a street where there is no habitable structure on the street, all property abutting the street is under common ownership, and the Fire Alarm Office of the City of Las Vegas Fire Department approves the change.

SECTION 11. Title 30, Chapter 30.32, section 30.32.040 “a” and item “a (8) of the Clark County Code are amended to read as follows:

30.32.040 Grading Permits

a. Except for the perpetuation of established agricultural civilization within Community District 5 as designated by Section 30.12.060 of this Title, or site stabilization for disturbed soils, land shall not be disturbed, which includes clearing vegetation, rough grading, stockpiling, or altering the natural ground surface or its elevation, until a grading permit has been issued by Clark County in accordance with all of the requirements listed in the subsection (below). (NOTE: A temporary stormwater permit for construction activities should be obtained through the Nevada Division of Environmental Protection and stockpiling permits must be obtained from the Building Official. Projects within hillside development must submit a design review as a public hearing prior to any grading.)

30.32.040(a) (8)

8. The area to be graded shall not exceed the area encompassed within the grading plan approved by the Director of Public Works and the Building Official.

SECTION 12. Title 30, Chapter 30.52, section 30.52.050 b, 1, A, ii of the Clark County Code is amended to read as follows:

b. Drainage Regulations, Criteria, and Design Manual.

1. Uniform Regulations for the Control of Drainage Amended/Section 32 Amended.

A. Definitions Added.

ii. “Designated Official” means the Director of Building and designee, or an individual appointed by the Board of County Commissioners or designated by the County Manager to perform the function defined in the Uniform Regulations for the Control of Drainage.

SECTION 13. Title 30, Chapter 30.64, section 30.64.050 “a” (6) of the Clark County Code is amended to read as follows:

6. The Director of Public Works and/or the Director of Building determine that a wall is required to protect property or public safety. The height and design of such a wall, including those within flood control facilities, shall be as required by the Director.

PROPOSED on the 5th day of June, 2012

PROPOSED BY Susan Brager

PASSED on the 19th day of June, 2012

AYES: Susan Brager

Tom Collins

Chris Giunchigliani

Mary Beth Scow

Steve Sisolak

Lawrence Weekly

NAYS: None

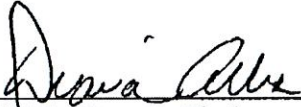
ABSTAINING: None

ABSENT: Lawrence L. Brown III

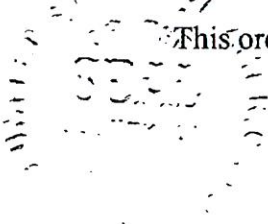
BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY Susan Brager
CHAIR

ATTEST:



DIANA ALBA, County Clerk

 This ordinance shall be in force and effect from and after the 3rd day of July, 2012.